In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 15740 of 2006

Date of Decision: 28.9.2006

Gurbax Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Rajesh Punj, Advocate
for the petitioner.

...

J.S. Khehar, J. (Oral).

The prayer made by the petitioner in the instant writ petition, is for stepping up of his pay to the same level as was being drawn by his juniors (respondents No.5 and 6). It is the contention of the learned counsel for the petitioner, that the instant claim of the petitioner was recommended by respondent No.4, but the same has not been given effect to, as no final decision has been taken by respondent No.2. Learned counsel for the petitioner further points out, that the petitioner issued a legal notice dated 3.7.2006 (Annexure P-9), wherein the aforesaid relief was sought by the petitioner, however, no decision has been taken thereon till date. Learned counsel for the petitioner states, that the petitioner will be satisfied, if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Director, Public Instructions (Elementary), Punjab, requiring him to take a final decision on the legal notice dated 3.7.2006 (Annexure P-9).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 4. Learned counsel for the respondents states, that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. the Director, Public Instructions (Elementary), Punjab, to take a final decision on the legal notice dated 3.7.2006 (Annexure P-9) by passing a well reasoned speaking order, within three months from the date of receipt of a certified copy of this order. In case, the petitioner is found entitled to any monetary

benefits, the same shall be calculated and released to him within a further period of one month. It is, however, clarified, that the petitioner will be entitled to arrears for a period of three years and two months, preceding the date of filing of the instant writ petition. It is also clarified, that the instant writ petition was filed on 27.9.2006.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

28.09.2006
sk.